

Remarks

The outstanding restriction is summarized in Table 1:

Table 1

Group No.	Claims	PTO Description
I	1-15	Drawn to an isolation providing method ...
II	16-21	Drawn to an insulating structure ...

Applicant here provisionally elects Group I (Claims 1-15) with traverse.

In justifying the basis of restriction, the PTO asserts that the structure of nonelected Group II (i.e. claim 16) "could be made by another process without oxidizing at least a sublayer portion of the first intrinsic silicon layer ..." (emphasis added).

Applicant respectfully submits that this basis is incorrect.

Claim 16, for example, recites: "(b) a thermally-grown, intrinsic, silicon oxide layer which has been grown from ALD deposited intrinsic, silicon that had been deposited on said oxidation stop layer." (emphasis added). Those skilled in the art would understand that, in order for the oxide layer to be "grown from" the recited intrinsic silicon, at least a portion of the intrinsic silicon will be oxidized. Thus it has not been shown that the product can be made by another, materially different process.

LAW OFFICES OF
MacPherson, Kwok, Chen &
Heid LLP

1762 Technology Drive
Suite 226
San Jose, CA 95110
Telephone: (408)-392-9520
Facsimile: (408)-392-9262

It is respectfully submitted that Claims 16-21 should not be restricted apart from Claim group 1-15 because no additional burden will be placed on the examiner in examining the inter-related aspects and great burden will be placed on the Applicant for having to pay twice and wait twice for having similar claims re-examined.

MPEP §803 is cognizant of the burdens placed on Applicant as well as those placed on the examiner. MPEP §803 (Restriction - When Proper) states:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. [emphasis added]

Request for Change of Restriction

In view of the above it is requested that the restriction lines drawn between Groups I and II be rescinded. A telephone call to the below attorney is requested if it will help expedite processing of the application.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 50-2257 for any matter in connection with this response, including any fee for extension of time and/or fee for additional claims, which may be required.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on July 20, 2005.



Attorney for Applicant(s)

7/20/05

Date of Signature

Respectfully submitted,



Gideon Gimlan
Attorney for Applicant(s)
Reg. No. 31,955
Tel: (408) 392-9250 ext 213

MacPherson Kwok Chen & Heid LLP
1762 Technology Drive, Suite # 226
San Jose, CA 95110

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Heid LLP

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